Central Valley Regional Water Quality Control Board
19/20 June 2025 Board Meeting

Response to Written Comments on
Tentative General Waste Discharge Requirements for
Cold Water Concentrated Aquatic Animal Production Facility
Discharges to Surface Waters

---

At a public hearing scheduled for 19/20 June 2025, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative General Waste Discharge Requirements (NPDES No. CAG135001) for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters. This document contains responses to written comments received from interested persons and parties in response to the tentative Order. Written comments from interested persons and parties were required to be received by the Central Valley Water Board by 3 March 2025 in order to receive full consideration. Comments were received prior to the deadline from:

1. California Department of Fish & Wildlife (CDFW) (received 14 February 2025)

Written comments from CDFW are summarized below, followed by the response of Central Valley Water Board staff.

## DISCHARGER (CDFW) COMMENTS

### DISCHARGER COMMENTS:

CDFW submitted minor comments on the tentative Order, including editorial changes and typographical corrections. CDFW also requested to meet and discuss the formaldehyde effluent limitations in the proposed Order with Central Valley Water Board staff.

### RESPONSE:

Central Valley Water Board staff concur with the editorial changes and typographical corrections submitted by CDFW and have revised the proposed Order accordingly. Central Valley Water Board staff also met with CDFW on 26 February 2025 to discuss the current formaldehyde effluent limitations and the potential for changes to those limits in future permit renewals, but no changes were made to the proposed Order.

## STAFF REVISIONS

**STAFF REVISION #1**

The tentative CAAP NPDES General Permit contained Groundwater Limitations. For consistency with other recently-adopted NPDES permits and requirements in the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) Program, staff made necessary revisions and clarifications to the tentative CAAP NPDES General Permit and Waste Discharge Requirements Section VI.B. has been revised as follows:

**B. Groundwater Limitations**

Release of waste constituents from any portion of the Facility shall not cause or contribute to groundwater containing constituent concentrations in excess of the concentrations specified below or in excess of natural background quality, whichever is greater:

1. Taste or odor-producing constituents, toxic substances, or any other constituents in concentrations that cause nuisance or adversely affect beneficial uses, (e.g., by creating off-tastes and/or odor, producing detrimental physiological responses in human, plant, animal, or aquatic life [i.e., toxicity]).

2. Total coliform organism level of 2.2 MPN/100 mL over any seven-day period.

3. Unless there is an approved site-specific objective, ground waters designated with the MUN beneficial use shall not have constituents in concentrations that exceed either the Primary or Secondary Maximum Contaminant Levels (MCLs) established in Title 22 of the California Code of Regulations. Consistent with the Basin Plans' Salt Control Program and as specified in the NOA, salinity groundwater limits may be excluded for Dischargers who have selected and are in compliance with Phase 1's Alternative Permitting Pathway.

**STAFF REVISION #2**

In order to provide rationale for how removal of groundwater limits satisfies the Anti-Backsliding Policy, Attachment D (Fact Sheet) Section V.D.4 has been revised as shown below:

**4. Satisfaction of Antidegradation Policy**

The Order requires compliance with applicable federal technology-based standards and with WQBELs where the discharge could have the reasonable potential to cause or contribute to an exceedance of water quality standards. Some CAPP facilities may be granted an intake water credit to account for pollutants in the intake water. Implementation of an intake water credit in accordance with the SIP allows a CAAP facility to discharge a mass and concentration of the intake water pollutants that is no greater than the mass and concentration found in the facility's intake water. If a CAAP facility adds mass of a pollutant to its waste stream, an equal or greater mass must be removed prior to discharge, resulting in no net addition of the pollutant in the discharge compared to the intake water.

This General Order requires all Dischargers to comply with either the Conservative or Alternative Permitting Pathways of the Salt Control Program. The Central Valley Water Board finds that discharges below the respective water quality objective and enrollment in the Conservative Pathway may produce minor effects which will not result in significant reduction of water quality since permitted discharges are considered relatively pollutant-free and pose a low or limited threat to water quality. For any CAPP discharges enrolled in the Alternative Pathway, this General Order provides for an increase in the volume and mass of salinity discharged, as specified in the NOA. Any increase in salinity will not cause a violation of water quality objectives or significant impacts on aquatic life. Any change in water quality that is expected to occur as a result of the issuance of this General Order will be consistent with the maximum benefit to the people of the state and will not unreasonably affect present and anticipated beneficial uses. Furthermore, compliance with the requirements in this General Order will result in the use of best practicable treatment or control of the discharge. As specified in the NOA, all dischargers shall submit a SEMP to ensure adequate measures are developed and implemented by the Discharger to reduce the discharge of salinity and minimize any increase in effluent salinity.

**STAFF REVISION #3**

In order to maintain consistency with other general NPDES Permits, language has been added to include a maximum daily effluent discharge flow prohibition rather than an effluent limitation in individual NOAs enrolled in this Order. Section IV.G of WDRs has been revised to reflect this change. Correspondingly, Sections V.A and V.B.2 of Attachment D have been revised as shown below:

**Add item G to Section IV of WDRs:**

G. If the discharge exceeds the maximum daily discharge flow rate specified in the NOA, the discharger shall submit a new NOI if needed to justify an increased discharge flow rate.

**Add item 7 to Section V.A of Attachment D:**

7. **Prohibition III.G. (Discharge Flow)**. This prohibition is based on the maximum discharge flow rate outlined in an enrollee's NOI and specified in the NOA. If the discharge exceeds the maximum discharge flow rate specified in the NOA, the discharger shall submit a new NOI if needed to justify an increased discharge flow rate. Flow is not a pollutant; therefore, including a discharge prohibition in lieu of a site-specific effluent limit for flow is an equivalent level of regulation.

**Remove subsection b from Section V.B.2 of Attachment D:**

**2. Applicable Technology-Based Effluent Limitations**

a. **Total Suspended Solids (TSS) and Settleable Solids (SS)**. USEPA's final ELGs for the aquaculture industry do not include numeric effluent limitations on any conventional, non-conventional, or toxic constituents. Rather, USEPA promulgated qualitative limitations in the form of BMP requirements. Technology-based requirements in this Order are based on the ELGs. To comply with the ELGs, this Order includes a narrative effluent limitation that requires the Dischargers to minimize the discharge of TSS through implementing BMPs established in compliance with the Special Provision contained in section VII.C. of this Order.

Existing wastewater treatment technology (such as settling basins and vacuum cleaning) is capable of dependably removing solids

(primarily fish feces and uneaten feed) from CAAP facility effluent prior to discharge. Some CAAP facilities treat their entire discharge using a full-flow settling basin, while some include additional settling basins in series. Other CAAP facilities use lower flow rates through raceways, allowing solids to accumulate and decompose by natural processes. In some cases, all of the raceway flows are transferred to one or more large settling basins for "off-line settling". Finally, some CAAP facilities place barriers in the lower portion of each raceway to create a "quiescent zone". This quiescent zone allows solids to settle at the end of each raceway, which are collected and removed by facility staff. Existing self-monitoring data show that the implementation of BMPs at CAAP facilities in the Region are effectively controlling TSS and SS.

**STAFF REVISION #4**

Attachment D, Section V.B.2 discusses applicable Technology-Based Effluent Limitations (TBELs) that were not clearly identified in the effluent limitations section of the WDRs. Staff revised Section V.A of the WDRs to clarify applicable TBELs and applicable Water Quality Based Effluent Limitations as shown below:

**A. Effluent Limitations – Applicable to All Discharges to Surface Waters**

**1. Technology Based Effluent Limitations (TBELs)**

a. The Discharger shall minimize the discharge of Total Suspended Solids and Settleable Solids through the implementation of the best management practices established in Special Provision VII.C.3 of this Order and further explained in Attachment D, Section V.B.2.

**2. Water Quality Based Effluent Limitations (WQBELs)**

a. Discharges to surface waters shall not exceed the effluent limitations contained in Table 1 below.

**Table 1. Effluent Limitations Formaldehyde and Chlorine**

| Parameter | Units | Average Monthly Effluent Limitation | Maximum Daily Effluent Limitation |
|---|---|---|---|
| Formaldehyde | Milligrams per Liter (mg/L) | 0.65 | 1.3 |
| Chlorine | mg/L | -- | 0.018 |

**STAFF REVISION #5**

Staff removed the discussion about pH from Attachment D, Section V.C.3.b, Constituents with No Reasonable Potential, since it was mistakenly carried over from the older permit and is irrelevant to this Order and the section has been revised to state as follows:

b. **Constituents with No Reasonable Potential.** There are no parameters with effluent limits in previous Order R5-2019-0079 that do not exhibit reasonable potential this permit term.

**STAFF REVISION #6**

Staff made minor clarifications to Attachment D, Section IV.B, as follows:

**B. California Environmental Quality Act (CEQA)**

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of Public Resources Code division 13, chapter 3 (§ 21100 et seq.) (i.e., CEQA), except for requirements for “new sources” as defined in the federal Water Pollution Control Act. For any “new source” compliance with CEQA must be achieved before a NOA for coverage under this Order can be issued for the CAAP facility.